

REMARKS

Claims 93-114 were previously pending in this application. By this amendment, Applicants are canceling no claims. Claims 93, 98, 103 and 107 are amended. No new claims are added. As a result claims 93-114 are pending for examination with claims 93, 98, 103 and 107 being independent claims. No new matter is present. The application as presented is believed to be in condition for allowance.

Summary of Telephone Conference with Examiner

Applicants thank Examiner Gillis for his time and courtesy during the telephone interview conducted on May 12, 2010 with the Applicants' representative Thomas McGinnis. During the interview, the patentability of the claims in light of the cited references was discussed. In particular, the Examiner and Applicants' representative discussed the elements of a proposed claim 93 in view of combinations involving U.S. Patent No. 5,995,946 to Beheshti et al. (hereinafter Beheshti).

Applicants' representative asserted that claim 93, amended as proposed, was not obvious in view of the combinations involving Beheshti proposed within previous Office Actions. In response, the Examiner suggested that Applicants further distinguish the "wall" included within the proposed claim from the "equipment enclosure." Although, no agreement was reached regarding the patentability of the claims, Applicants herein provide an amended set of claims addressing the Examiner's suggestions.

Rejections Under 35 U.S.C. §103

Claims 93, 95, 97, 98, 100 and 102-106 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beheshti in view of U.S. Patent No. 6,139,177 to Venkatraman et al. (hereinafter Venkatraman) in further view of U.S. Patent No. 4,686,450 to Pichat (hereinafter Pichat). Applicants amend claims 93, 98 and 103 herein and respectfully requests reconsideration in light of the following comments.

Beheshti is directed toward "an alarm/facility management unit... for remote, real-time monitoring of network components" (col. 1, lines 6-9). As shown in FIG. 1, the "alarm/facility management unit 10 includes a housing having a front side and a rear side" (Col. 5, lines 43-45).

In addition, FIG. 1 illustrates a faceplate that includes an LCD display 12, four control keys 14 and a serial port 16. As illustrated in FIG. 1 in combination with FIGs. 2A and 2B, the housing is a partial rectangular cuboid formed from a top side, a bottom side and two lateral sides. Each of these sides extends from the rear side to the front side. As shown, the distance between the top and bottom sides is significantly less than the distance between the two lateral sides. The difference in these distances gives the housing a relatively flat shape. The faceplate extends beyond the top side, the bottom side and the two lateral sides and forms four mounting notches at the four corners of the faceplate.

As an initial matter, Applicants respectfully maintain their assertion that any combination including Beheshti and Venkatraman is improper for the reasons articulated in previous responses. However, even if one were to combine the references as proposed in the Office Action, the proposed combination of Beheshti, Venkatraman and Pichat fails to render amended claim 93 obvious. This is so because none of the asserted references, alone or in combination, disclose an apparatus that includes “at least one sensor configured to monitor environmental conditions ambient to rack mounted computer equipment located within an equipment rack, the at least one sensor selected from a group consisting of a temperature sensor and a humidity sensor” and “a housing configured for mounting to a room wall external to and separate from the equipment rack,” both of which are required by amended claim 93.

Beheshti describes an alarm/facility management unit that is configured for mounting within a data center rack. As discussed above, the housing of the alarm/facility management unit forms a relatively flat rectangular cuboid that is shaped for placement within a standard data center rack. Moreover, the oversized faceplate includes mounting notches at its corners and this, too, is indicative of a unit that is designed for rack mounting.

Beheshti fails to disclose an apparatus including “a housing configured for mounting to a room wall external to and separate from the equipment rack,” as required by amended claim 93, because the Beheshti unit is configured for mounting within a rack. This can be clearly seen by comparing the Beheshti unit with an example housing for a monitoring appliance that is configured for mounting to a room wall. For the Examiner’s reference, FIGs. 11-13B of the instant application illustrate one such example. As shown, the example housing includes mounting flanges forming two notches shaped to accept a screw, nail or some other mated,

affixing member. These mounting flanges and their orientation relative to the remainder of the housing enable the monitoring appliance to be easily affixed to a wall so that the faceplate is parallel to the wall. In addition, FIGs. 1 and 2 of the instant application show examples of an apparatus actually mounted on a room wall. These features stand in contrast to the physical features of the Besheshi unit.

Neither Venkatraman nor Pichat cure the infirmity of Beheshti because neither is directed toward data center monitoring. Therefore, the proposed combination of Beheshti, Venkatraman and Pichat fails to render amended claim 93 obvious because the proposed combination fails to disclose several elements required by amended claim 93. Accordingly, withdrawal of the rejection of claim 93 under 35 U.S.C. § 103(a) is respectfully requested.

Dependent claims 95 and 97 depend from independent claim 93. Therefore, dependent claims 95 and 97 are allowable for at least the same reasons as independent claim 93, as amended. Accordingly, withdrawal of the rejection of claims 95 and 97 under 35 U.S.C. § 103(a) is respectfully requested.

Claim 98, as amended, recites “at least one sensor configured to monitor environmental conditions ambient to rack mounted computer equipment located within an equipment rack, the at least one sensor selected from a group consisting of a temperature sensor and a humidity sensor” and “a housing configured for mounting to a room wall external to and separate from the equipment rack.” Therefore, amended claim 98 is allowable for reasons similar to those articulated with regard to amended claim 93. Accordingly, withdrawal of the rejection of claim 98 under 35 U.S.C. § 103(a) is respectfully requested.

Dependent claims 100 and 102 depend from independent claim 98. Therefore, dependent claims 100 and 102 are allowable for at least the same reasons as independent claim 98, as amended. Accordingly, withdrawal of the rejection of claims 100 and 102 under 35 U.S.C. § 103(a) is respectfully requested.

Claim 103, as amended, recites “at least one sensor configured to monitor environmental conditions ambient to monitored computer equipment located within an equipment rack, the at least one sensor selected from a group consisting of a temperature sensor and a humidity sensor” and “a housing configured for mounting to a room wall external to and separate from the equipment rack.” Therefore, amended claim 103 is allowable for reasons similar to those

articulated with regard to amended claim 93. Accordingly, withdrawal of the rejection of claim 103 under 35 U.S.C. §103(a) is respectfully requested.

Dependent claims 104-106 depend from independent claim 103. Therefore, dependent claims 104-106 are allowable for at least the same reasons as independent claim 103, as amended. Accordingly, withdrawal of the rejection of claims 104-106 under 35 U.S.C. §103(a) is respectfully requested.

Claims 107-114 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beheshti in view of Venkatraman in further view of Pichat in still further view of Hunter et al. (hereinafter "Hunter"), U.S. Patent No. 6,363,422. Applicants amend claim 107 herein and requests reconsideration in light of the following comments.

As explained above, Applicants respectfully maintain their assertion that any combination including Beheshti and Venkatraman is improper for the reasons articulated in previous responses. However, even if one were to combine the references as proposed in the Office Action, the proposed combination of Beheshti, Venkatraman, Pichat and Hunter fails to render amended claim 107 obvious. This is so because none of the asserted references, alone or in combination, disclose an apparatus that includes "a housing configured for mounting to a room wall external to and separate from an equipment rack" and "at least one external sensor interface configured to connect to an external sensor, the external sensor configured to monitor environmental conditions ambient to monitored computer equipment located within the equipment rack," both of which are required by amended claim 107. The proposed combination of Beheshti, Venkatraman and Pichat fails to disclose these claim elements because, as discussed above with regard to amended claim 93, the proposed combination of Beheshti, Venkatraman and Pichat fails to disclose "at least one sensor configured to monitor environmental conditions ambient to rack mounted computer equipment located within an equipment rack, the at least one sensor selected from a group consisting of a temperature sensor and a humidity sensor" and "a housing configured for mounting to a room wall external to and separate from the equipment rack." Nothing in Hunter cures this infirmity because Hunter does not address data centers or their constituent rack mounted computer equipment. Accordingly, withdrawal of the rejection of claim 107 under 35 U.S.C. §103(a) is respectfully requested.

Dependent claims 108-114 depend from independent claim 107. Therefore, dependent claims 108-114 are allowable for at least the same reasons as independent claim 107, as amended. Accordingly, withdrawal of the rejection of claims 108-114 under 35 U.S.C. § 103(a) is respectfully requested.

Claims 94, 96, 99 and 101 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Beheshti in view of Venkatraman in further view of Pichat in still further view of Hunter. Applicants amend independent claims 93 and 98, from which claims 94, 96, 99 and 101 depend, and requests reconsideration in light of the following comments.

As discussed above, both claims 93 and 98 require an “at least one sensor configured to monitor environmental conditions ambient to rack mounted computer equipment located within an equipment rack, the at least one sensor selected from a group consisting of a temperature sensor and a humidity sensor” and “a housing configured for mounting to a room wall external to and separate from the equipment rack.” As explained above, none of the references included in the proposed combination discloses these claim elements. Therefore, both claims 93 and 98 are allowable over the proposed combination of Beheshti, Venkatraman, Pichat and Hunter.

Dependent claims 94, 96, 99 and 101 depend from independent claims 93 and 98. Therefore, dependent claims 94, 96, 99 and 101 are allowable for at least the same reasons as independent claims 93 and 98, as amended. Accordingly, withdrawal of the rejection of claims 94, 96, 99 and 101 under 35 U.S.C. § 103(a) is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. A2000-720120.

Respectfully submitted,

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